



PETITION NUMBER:	0807-VU-03
SUBJECT SITE ADDRESS:	18702 U.S. 31 North
APPELLANT:	Paddack's Transportation
REQUEST:	<p>The Appellant is requesting a Variance of Use from the following Westfield-Washington Zoning Ordinance sections:</p> <ol style="list-style-type: none">1. WC 16.04.050, F2 (To allow "Transportation Services – including but not limited to wrecking service" in GB District); and,2. WC 16.04.070, 2 (To allow "Transportation Services – including but not limited to wrecking service" in US 31 Overlay District).
CURRENT ZONING:	GB
CURRENT LAND USE:	Commercial and Single-Family Residential
APPROXIMATE ACREAGE:	9.91
RELATED CASES:	<ol style="list-style-type: none">1. 0807-VS-12 (Multiple variances of development standards, Pending)2. 83-V-5 (Variance to allow manufactured dwelling, Approved)3. 86-V-7 (Variance to allow single-family dwelling, Approved)
EXHIBITS:	<ol style="list-style-type: none">1. Staff Report, 07/15/082. Aerial Location Map, 07/15/083. Property Card, 07/07/084. Appellant's Application and Plans, 06/16/08
STAFF REVIEWER:	KMT

PETITION HISTORY

The July 15, 2008 Board of Zoning Appeals meeting represents the first hearing of this petition before the Board.

PROPERTY HISTORY

Prior to zoning taking effect in 1977, the subject property and its immediate surroundings (totaling approximately 16.5 acres) were improved with a 24-foot access drive to US 31, a retention pond, and at least two (2) structures. Aerial photography records from 1974 indicate that a single-family residential dwelling and a commercial structure were located on the 16.5-acre area. Over the past thirty (30) years, parcel configurations have changed, the property has been further subdivided, and other site improvements have been made. The applicant's records indicate that the transportation services/wrecking services business has been located on the property since 1979. Staff finds no record of site approval for the subject business. On



February 21, 1983, a variance was granted to allow a manufactured dwelling to be located on the southern portion of the site (83-V-5). On June 16, 1986, a variance was granted to allow an additional single-family dwelling on the property (86-V-7).

There are no pending code enforcement cases for the subject property. There are no previous special exceptions, subdivision plats, development plan, site plan, or rezoning cases for the subject property.

ANALYSIS

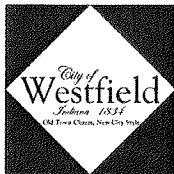
This request would legally establish the transportation service business as permitted on the subject property. "Transportation Services – including but not limited to wrecking service" is not a permitted use in either the GB District or the US 31 Overlay District. "Transportation Services" include towing, transporting, and temporary storage of light and heavy equipment and vehicles.

Current improvements to the property include: a single-story office and garage structure (approximately 4,200 square feet in size), a seven (7) space parking lot, and a fenced-in yard for temporary storage of transported equipment. The property does not have road frontage, but vehicular access is gained via a thirty (30) foot access easement that traverses the adjacent property to the east and terminates at US 31. The appellant plans to expand the business and build new facilities (up to 10,400 square feet of additional space in two phases). In order to expand the business, the use must first be legally established.

The business has been in operation on the subject property for nearly thirty (30) years without complaint or enforcement issues. The submitted application identifies building expansion plans of a Phase I building addition of 2,400 square feet and a Phase II new structure of 8,000 square feet. The plans indicate that both building additions would be for warehouse and storage space. The plans do not indicate the introduction of new services or uses to the property.

The Land Use Concept Map in Westfield-Washington Township Comprehensive Plan recommends that this area be developed as a part of the "Employment Corridor" (p. 23). Because of the indoor and outdoor space requirements for equipment storage, "Transportation Services – including but not limited to wrecking service" are industrial in nature. The "Highway Corridors" section of the Comprehensive Plan allows limited industrial uses "that do not have negative land use impacts" (p. 52). Without defining what impacts are negative, it is difficult to determine if this use has any negative impacts on the land around it. Generally, this type of land use is not consistent with the community's stated vision of large-scale office and employment-generating development along the US 31 corridor (pp. 52-53).

The May 2008 "Draft Environmental Impact Statement" for the Indiana Department of Transportation's (INDOT) US 31 improvement project, calls for the subject property's US 31 access to be eliminated. Proposed access to the property would be from an east/west extension from Tomlinson Road (to the west) (Appendix A, Sheet 10).



PROCEDURAL

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved under IC 36-7-4-918.4 only upon a determination in writing that:

STANDARDS FOR USE VARIANCE REQUEST

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

Finding: It is unlikely that legally establishing an existing transportation service business will be injurious to the public health, safety, morals, and general welfare of the community. The property is served by a thirty (30) foot access easement that is adequate to provide emergency access. The fence around the temporary storage yard adds security to the stored light and heavy equipment and vehicles and also protects the general public from hazards created by any damaged equipment that is located in the yard.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

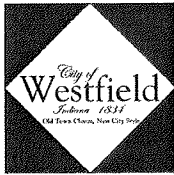
Finding: It is unlikely that the use and value of adjacent property will be affected in an adverse manner. The surrounding uses have co-existed with the subject use for over two (2) decades. If using the property for a transportation service business would have a negative impact on the neighboring properties, it would likely have been realized by now. Legitimizing the existing use should not have a negative impact on the use and value of the neighboring properties.

3. The need for the variance of use arises from some condition particular to the property involved:

Finding: The need for the variance of use arises because the Westfield-Washington Zoning Ordinance does not accommodate "Transportation Services – including but not limited to wrecking service" as a permitted use in any district. Either a variance of use or a text amendment to allow the use in a zoning district(s) would be required if the subject business were to locate anywhere in Washington Township.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

Finding: Strict application of the zoning ordinance would result in using the property for a business or institutional use that would generally not require outdoor storage of equipment. Either with or without extensive redevelopment of the land, there is sufficient space on the subject property to accommodate the needs of an allowable use. Because the property could be



reasonably put into a conforming use, the zoning ordinance does not create an unnecessary hardship for the use of the property.

5. The approval does not interfere substantially with the comprehensive plan:

Finding: The Comprehensive Plan recommends that this area be developed as a part of the “Employment Corridor” (p. 23). Industrial uses “that do not have negative land use impacts” are listed as acceptable within the corridor (p. 52). Allowing a “Transportation Services – including but not limited to wrecking service” would generally comply with the comprehensive plan.

ADDITIONAL COMMENTS

None.

APPLICABLE CONDITIONS of APPROVAL

1. That all temporarily stored vehicles and equipment be contained in a fully enclosed yard;
2. That the temporary storage yard shall be enclosed by either an opaque wall, fence, or combination thereof;
3. That the portions of the wall or fence that are visible from an adjoining parcel be screened by landscaping, using the following standards:
 - a. 1 shade tree per 50 linear feet of wall or fence;
 - b. 5 deciduous or evergreen shrubs every 30 linear feet of wall or fence (shrubs may be grouped together).

RECOMMENDATIONS

Deny this request based on the findings of this report.

If the Board sees fit to approve, approve with the applicable condition(s) listed above.

KMT



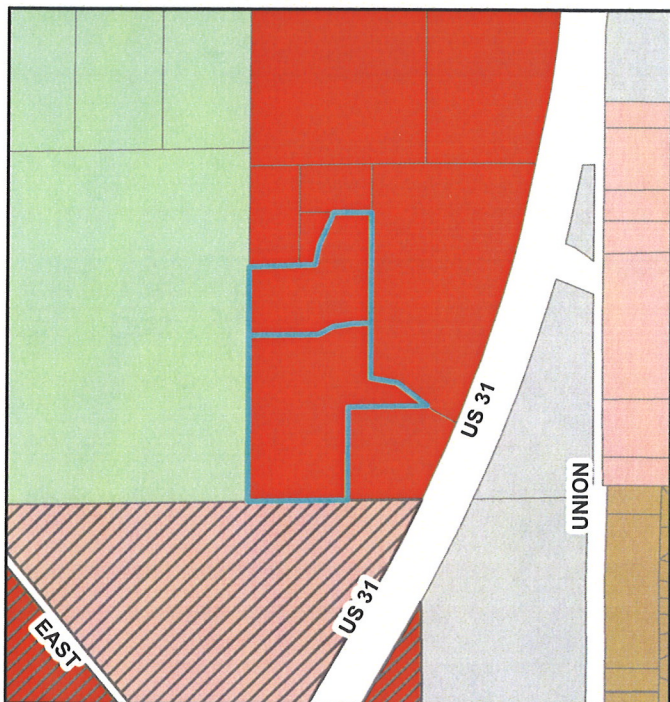
0807-VU-03 & 0807-VS-12
08-05-25-00-00-047.002 & 08-05-25-00-00-049.000
18702 US 31 North
Exhibit 2



Aerial Location Map

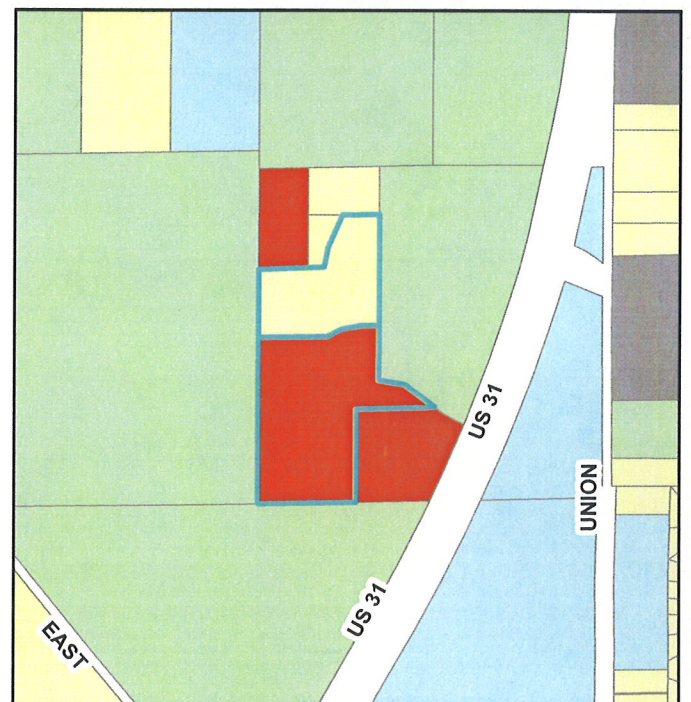


Zoning Map



- | | |
|--------------------------------------|--------------------------------------|
| Agriculture - Single Family 1 | General Business |
| Multiple Family-1 | General Business-Planned Development |
| Local Business | Enclosed Industrial |
| Local Business - Planned Development | |

Existing Land Use Map (2008)



- | | |
|---------------|------------|
| Agriculture | Industrial |
| Residential | |
| Institutional | |
| Commercial | |

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Summary Information - Parcel Number: 08-05-25-00-00-047.002**Property Data**

Parcel Location	18704 Us 31 N, Westfield
Taxing Unit	Westfield Abatement 04-20
Legal Description	6/15/92 FR CAREY 9222632 AUD 7/19/
Section/Township/Range	S25 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	3.37
Effective Frontage	
Effective Depth	
Property Class	Res-1-Family 0 - 9.99 acres

Exterior Features and Out Buildings

1 Miscellaneous, 2 Utility Shed,

1 Conventional Canopy, 1 Enclosed Frame Porch, 1 Open Frame Porch, 1 Wood Deck,

Property Owner as of April 30, 2007

Ripley, Jeffrey M & Stephen L T/C

Most Recent Valuation as of March 1, 2007

Assessed Value: Land	61100
Assessed Value: Improvements	105000
Total Assessed Value:	166100

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.0
Attic	none
Basement	none
Crawl	approx. 3/4
Year Built	1986

Floor Construction

1.0 (first)	Sub and joists
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Floor Finish

1.0 (first)	Carpet, None
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Exterior Cover

1.0 (first)	Brick
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Interior Finish

1.0 (first)	Drywall
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Accommodations

Finished Rooms	7
Bedrooms	2

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	1
Partial Baths	1

Fireplace

Fireplace Stacks	YES
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Finished Area
1.0 (first)	1815	1815

Garage

Garage Type	
Garage Square Footage	0

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2007**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-05-25-00-00-049.000**Property Data**

Parcel Location	18702 US 31 NORTH, WESTFIELD
Taxing Unit	Westfield Abatement 04-20
Legal Description	285-780 8/4/9
Section/Township/Range	S25 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	6.54
Effective Frontage	
Effective Depth	
Property Class	Commercial Other structure

Exterior Features and Out Buildings

1 Auto Service, 1 Attached Garage,

1 Concrete Patio, 1 Roof Extension Canopy, 1 Concrete Patio, 1 Masonry Stoop, 1 Wood Deck, 2 Wood Patio,

Property Owner as of April 30, 2007

Ripley, Jeffrey M & Stephen L T/C

Most Recent Valuation as of March 1, 2007

Assessed Value: Land	101500
Assessed Value: Improvements	407300
Total Assessed Value:	508800

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.0
Attic	none
Basement	approx. 1/2
Crawl	approx. 1/2
Year Built	1978

Floor Construction

1.0 (first)	Sub and joists
2.0 (second)	Sub and joists
Basement	Slab

Floor Finish

1.0 (first)	Carpet, None
2.0 (second)	Carpet, Carpet
Basement	None, None

Exterior Cover

1.0 (first)	2/6 Masonry
2.0 (second)	Wood siding
Basement	Masonry

Interior Finish

1.0 (first)	Drywall
2.0 (second)	Drywall
Basement	None

Accommodations

Finished Rooms	8
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	5
Partial Baths	0

Fireplace

Fireplace Stacks	YES
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Finished Area
1.0 (first)	3044	3044
2.0 (second)	1204	1204
Basement	1534	0

Garage

Garage Type	Framed
Garage Square Footage	520

Petition Number:

0807-VU-03

Date of Filing:

06/16/08

**Application for VARIANCE OF USE
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name PADDACK'S TRANSPORTATION - JEFF RIPLEY
Address 18702 US 31 NORTH
WESTFIELD, IN 46074
Telephone Number 317-896-3206
2. Landowner's Name JEFFREY M. RIPLEY + STEPHEN L. RIPLEY
Address 18702 US 31 NORTH
WESTFIELD, IN 46074
Telephone Number 317-896-3206
3. *Representative CIVIL SITE GROUP, INC.
*Address 643 MASSACHUSETTS AVE, STE 200
INDIANAPOLIS, IN 46204
*Telephone Number 317-423-3305
*Email Address bcruss@civilsite.net

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

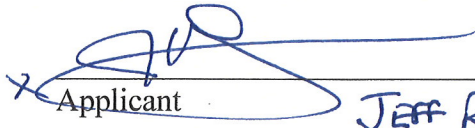
4. Common description of property (address, location, etc.)
18702 US 31 NORTH
WESTFIELD, IN 46074
5. Legal description of property (list below or attach)
SEE ATTACHED
6. Complete description of the nature of the variance of use applied for:
WC 14.04.050, F2 - PERMITTED USES IN GB to allow wrecking service.
~~WC 16.04.050, F5 - MIN. ROAD FRONTAGE IN GB (80' to 0')~~
WC 16.04.070, 2 - PERMITTED USES IN U.S. 31 OVERLAY to allow WRECKING SERVICE
~~WC 16.04.070, 5H - MIN. AGG. GROSS FLOOR AREA (15K to less than 15K)~~
~~WC 16.04.070, 6 - LOADING BERTHS (VISIBLE FROM PUBLIC ROAD US 31)~~

TOWN OF WESTFIELD, INDIANA

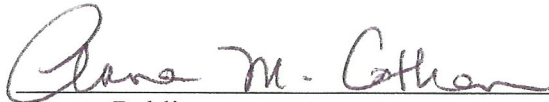
- d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

- e. That such variance does not interfere substantially with the comprehensive plan:

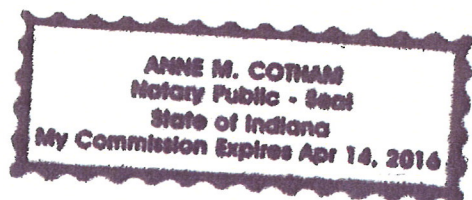
The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant Jeff Ripley

SUBSCRIBED AND SWORN TO ME THIS 16 DAY OF June, 2008.


Notary Public

My commission expires: April 14, 2016
~~January 24, 2015~~



7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- a. Lot(s) shape and dimensions;
 - b. Location and dimensions of existing and proposed structures;
 - c. Location and dimensions of existing and proposed points of ingress and egress; and
 - d. All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of use shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community:

PADDACK'S TRANSPORTATION HAS BEEN OPERATING AT THIS LOCATION IN WESTFIELD
SINCE SHORTLY BEFORE 1979 WITHOUT BEING INJURIOUS TO THE PUBLIC HEALTH,
SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY - PADDACK'S WILL
CONTINUE TO PROVIDE TRANSPORTATION SERVICES TO THE CITY'S POLICE AND
FIRE DEPARTMENTS ALONG WITH THE HAMILTON COUNTY SHERIFF'S OFFICE.

- b. That the use and value of the area adjacent to the property included in the variance of use will not be affected in a substantially adverse manner:

THE SURROUNDING USES INCLUDE AN ANIMAL BOARDING KENNEL TO THE NORTH,
MARINE SALES & SERVICE CENTER TO THE EAST/SE, & AGRICULTURAL FIELDS TO
THE SOUTH, EAST, & WEST. THE EXISTING/PROPOSED IMPROVEMENTS ARE CONSISTENT
WITH THE SURROUNDING IMPROVED PROPERTIES IN USE, BUILDING MATERIALS,
AND CHARACTER.

- c. That the need for the variance of use arises from some condition particular to the property involved:

PADDACK'S TRANSPORTATION HAS BEEN OPERATING AT THIS LOCATION IN WESTFIELD
SINCE SHORTLY BEFORE 1979. THE VARIANCE OF USE IS NEEDED TO PRESERVE THE
BUSINESS OPERATIONS WITHIN THE CITY OF WESTFIELD.

TOWN OF WESTFIELD, INDIANA

- d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

THE HARDSHIP INVOKED IF APPLIED WILL REQUIRE THE BUSINESS TO CEASE

OPERATIONS AT THE PRESENT LOCATION AND RELOCATE OUTSIDE THE CITY OF

WESTFIELD.

THE VARIANCE OF USE IS NEEDED TO PRESERVE THE BUSINESS OPERATIONS

WITHIN THE CITY OF WESTFIELD AND CONTINUE TO PROVIDE VENDOR SERVICES

TO THE CITY POLICE, FIRE DEPARTMENT, AND HAMILTON COUNTY SHERIFF'S OFFICE

WITHOUT INTERRUPTION.

- e. That such variance does not interfere substantially with the comprehensive plan:

PADDACK'S TRANSPORTATION HAS BEEN OPERATING AT THIS LOCATION IN WESTFIELD

SINCE SHORTLY BEFORE 1979. OPERATIONS AT PADDACK'S WILL CONTINUE UNTIL

SUCH TIME THAT THEY ARE APPROACHED TO SELL THE PROPERTY TO SOMEONE THAT
WOULD INTEND TO ASSEMBLE SEVERAL PARCELS TO DEVELOP ALONG US 31 IN

CONJUNCTION WITH THE US 31 CORRIDOR PLAN

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Applicant

SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____, 20____.

Notary Public

My commission expires: _____

VARIANCE OF USE DESCRIPTION

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

20 day of November, 2006

Robin Miller Auditor of Hamilton County

Parcel # 08-05-25-00-00-049.000

Quitclaim Deed

Parcel No.

200600069496
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
11-20-2006 At 02:28 pm.
D C DEED 12.00

This Indenture Witnesseth, that Jeffrey M. Ripley and Stephen L. Ripley, as joint tenants with rights of survivorship ("Grantor") of Hamilton County, State of Indiana, Quitclaim(s) to Jeffrey M. Ripley and Stephen L. Ripley, as tenants in common of Hamilton County, in the State of Indiana, for the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

A part of the Southeast Quarter of Section 25, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the railroad spike at the southeast corner of the southeast quarter of Section 25, Township 19 North, Range 3 East; thence South 89 degrees 06 minutes 46 seconds West (assumed bearing) 945.43 feet along the south line of said Southeast Quarter to a 5/8" iron rod with yellow cap stamped Miller Surveying at the Point of Beginning of this description, said Point of Beginning being South 89 degrees 06 minutes 46 seconds West 372.13 feet from the centerline of U.S. Highway #31; thence South 89 degrees 06 minutes 46 seconds West 376.56 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying at the southwest corner of the Southeast Quarter of said Southeast Quarter, said 5/8" iron rod with yellow cap stamped Miller Surveying being South 15 degrees 11 minutes 09 seconds West 5.74 feet from a 1" iron pipe that bears South 89 degrees 21 minutes 04 seconds West from the southeast corner of said Southeast Quarter; thence North 00 degrees 05 minutes 39 seconds West 632.46 feet along the west line of the Southeast Quarter of said Southeast Quarter to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 87 degrees 49 minutes 20 seconds East 259.51 feet to a mag nail; thence North 58 degrees 37 minutes 00 seconds East 70.12 feet to a mag nail; thence North 78 degrees 18 minutes 30 seconds East 52.13 feet to a mag nail; thence North 87 degrees 49 minutes 20 seconds East 86.65 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying, said 5/8" iron rod with yellow cap stamped Miller Surveying being North 87 degrees 49 minutes 20 seconds East 457.22 feet from the West line of the Southeast Quarter of said Southeast Quarter; thence South 00 degrees 05 minutes 39 seconds East 227.35 feet parallel with the west line of said Southeast Quarter of the Southeast Quarter to a mag nail; thence South 84 degrees 23 minutes 31 seconds East 102.02 feet to a mag nail; thence South 50 degrees 34 minutes 02 seconds East 145.26 feet to a mag nail; thence South 89 degrees 21 minutes 04 seconds West 293.97 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence South 00 degrees 05 minutes 39 seconds East 353.94 feet parallel with the west line of said Southeast Quarter of the Southeast Quarter to the Point of Beginning. Containing 6.54 acres, more or less.

NOTE: The acreage shown above is included for descriptive purposes only.

Property Address: 18702 U.S. 31 North, Westfield, IN 46074

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
20 day of November, 2006

Robin Miller Auditor of Hamilton County

Parcel #08-05-25-00-00-047, 002

200600069497
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
11-20-2006 At 02:28 PM.
G C DEED 20.00

Quitclaim Deed

Parcel No.

This Indenture Witnesseth, that Jeffrey M. Ripley and Linda J. Nickel, as joint tenants with rights of survivorship ("Grantor") of Hamilton County, State of Indiana, Quitclaim(s) to Jeffrey M. Ripley and Stephen L. Ripley, as tenants in common, of Hamilton County, in the State of Indiana, for the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

ALSO:

Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 25, Township 19 North, Range 3 East; thence South 89 degrees 21 minutes 04 seconds West (assumed bearing) on and along the South line thereof 1320.24 feet to the West line of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 05 minutes 34 seconds West on and along said West line 877.00 feet; thence North 87 degrees 49 minutes 20 seconds East 185.08 feet to the beginning point of this description; thence North 00 degrees 05 minutes 34 seconds West parallel with the West line of said Quarter Quarter 197.15 feet; thence North 88 degrees 43 minutes 31 seconds East 272.00 feet; thence South 00 degrees 05 minutes 34 seconds East parallel with the West line aforesaid 192.87 feet; thence South 87 degrees 49 minutes 20 seconds West 272.14 feet to the beginning point.

ALSO:

Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 25, Township 19 North, Range 3 East; thence South 89 degrees 21 minutes 04 seconds West (assumed bearing) on and along the South line thereof 1320.24 feet to the West line of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 05 minutes 34 seconds West on and along said West line 627.00 feet to the beginning point of this description; thence North 00 degrees 05 minutes 34 seconds West on and along said West line 250.00 feet; thence North 87 degrees 49 minutes 20 seconds East 457.22 feet; thence South 00 degrees 05 minutes 34 seconds East parallel with the West line aforesaid 250.00 feet; thence South 87 degrees 49 minutes 20 seconds West 457.22 feet to the beginning point.

Excepting therefrom: Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East; thence South 89 degrees 21 minutes 04 seconds West (assumed bearing) on the South line of the Southeast Quarter of said Southeast Quarter 1320.24 feet to the Southwest corner of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 05 minutes 34 seconds West on the West line of the Southeast Quarter of said Southeast Quarter 627.00 feet; thence North 87 degrees 49 minutes 20 seconds East 257.99 feet to the place of beginning of the within described real estate; thence North 87 degrees 49 minutes 20 seconds East 199.23 feet; thence North 00 degrees 05 minutes 34 seconds West parallel with said West line 42.86 feet; thence South 87 degrees 49 minutes 20 seconds West 88.16 feet; thence South 78 degrees 18 minutes 30 seconds West 52.13 feet; thence South 58 degrees 37 minutes 00 seconds West 70.12 feet to the place of beginning.

Also excepting therefrom the following described real estate:

EXCEPTING

A part of the Southeast Quarter of Section 25, Township 19 North Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows:

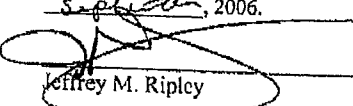
Commencing at the railroad spike at the Southeast corner of the Southeast Quarter of Section 25, Township 19 North, Range 3 East; thence ~~South 89 degrees 21 minutes 04 seconds West~~ (assumed bearing) ~~1321.99 feet~~ (1320.24 feet prior deed) on and along the South line of said Southeast Quarter to the West line of the Southeast Quarter of said Southeast Quarter; thence ~~North 00 degrees 08 minutes 39 seconds East 877.00 feet~~ (North 00 degrees 05 minutes 34 seconds West 877.00 feet prior deed) on and along said West line to the Southwest corner of a 1.65 acre tract of real estate described in Instrument Number 9436631; thence ~~North 88 degrees 03 minutes 33 seconds East 185.08 feet~~ (North 87 degrees 49 minutes 20 seconds East 185.08 feet prior deed) to a 5/8" iron rod with yellow cap stamped S0083 at the Southeast corner of said 1.65 acre tract and the Point of Beginning of this description; thence ~~North 00 degrees 08 minutes 39 seconds East 197.15 feet~~ parallel with said West line and on and along the East line of said 1.65 acre tract to a 5/8" iron rod with yellow cap stamped S0083 at the Southwest corner of 1.19 acre tract of real estate described in Deed Record 325, page 9; thence ~~North 88 degrees 57 minutes 44 seconds East 116.64 feet~~ (North 88 degrees 43 minutes 31 seconds East prior deed) to a 5/8" iron rod with yellow cap stamped S0083; thence ~~South 25 degrees 59 minutes 56 seconds West 61.72 feet~~ to a 5/8" iron rod with yellow cap stamped S0083; thence ~~South 22 degrees 47 minutes 30 seconds West 72.77 feet~~ to a 5/8" iron rod with yellow cap stamped S0083; thence ~~South 10 degrees 05 minutes 49 seconds West 76.23 feet~~ to a 5/8" iron rod with yellow cap stamped S0083; thence ~~South 88 degrees 03 minutes 33 seconds West 48.54 feet~~ to the Point of Beginning.

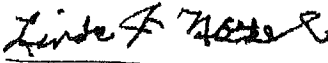
Together with an easement for ingress and egress described as follows:

~~A strip of ground, thirty (30) feet in width by parallel lines, lying in and providing ingress and egress to and from certain tracts of ground in part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East in Hamilton County, Indiana, the centerline of which is described as follows: Commencing at the Southeast corner of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East; thence South 89 degrees 21 minutes 04 seconds West (assumed bearing) on and along the South line thereof; 572.17 feet to the centerline of U.S. #31, on a curve to the left, the radius point of which bears North 64 degrees 57 minutes 45 seconds West of said point; thence Northeasterly on and along said centerline and curve 263.11 feet to a point which bears South 67 degrees 35 minutes 37 seconds East 3729.58 feet from the radius point aforesaid, said point also being the beginning point of this description; thence North 62 degrees 32 minutes 51 seconds West 164.73 feet; thence North 50 degrees 34 minutes 02 seconds West 196.14 feet; thence North 84 degrees 29 minutes 31 seconds West 138.89 feet; thence North 61 degrees 14 minutes 11 seconds West 110.00 feet; thence North 30 degrees 15 minutes 57 seconds West 224.70 feet; thence North 18 degrees 13 minutes 26 seconds East 115.10 feet; thence North 17 degrees 02 minutes 04 seconds West 77.05 feet; thence North 17 degrees 30 minutes 36 seconds East 118.00 feet; thence North 56 degrees 27 minutes 52 seconds West 97.50 feet to end of this easement.~~

Property Address: 18704 N. US 31, Westfield, IN

In Witness Whereof, Grantor has caused this deed to be executed this 12TH day of September, 2006.


Jeffrey M. Ripley


Linda J. Nickel